

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JUANA CRUZ, OFELIA)
BENAVIDES, JOSE ELIAS)
N.G, GABRIELA VELAZQUEZ,)
HELESIO CRUZ, ANGELICA)
CHAVEZ, CONCEPCION PEREZ,)
OLGA PEREZ, MAVRIGO)
SAENZ, JORGE MAOLEON,)
HECTOR SANCHEZ, HECTOR)
GONZALEZ, YESSY PEREZ)
MARTINEZ, MARIA DE)
LOURDES CRUZ, RESENDO)
LIEVANOS, ELIZABETH LARA,)
LUIS ALBERTO ZUNIGIA)
CASTILLO, MIGUEL)
CABALLERO SANCHEZ, CARLOS)
DANIEL LOPEZ, GILDA)
RIVAS, ARMANDO MORALES DE)
LLANO, LAZARO GARCIA,)
MARIA DE JESUS MEDINA,)
RICHARD ESQUIVEL, RAFAEL)
SANCHEZ, GUILLERMO RUIZ,)
ROSA QUINTANILLA,)

CASE NO: 7:23-CV-00343

JURY DEMANDED

PLAINTIFFS,)

VS.)

DELGAR FOODS, LLC A/K/A)

DELIA'S TAMALES,)

DEFENDANT.)

ORAL DEPOSITION OF

ARMANDO MORALES DE LLANO

June 26, 2024

ORAL DEPOSITION of ARMANDO MORALES DE
LLANO, produced as a witness at the instance of the
Defendant, and duly sworn, was taken in the above-styled

<p>1 Q. What's the highest level of education you've 2 received?</p> <p>3 A. High school.</p> <p>4 Q. And in what country was that?</p> <p>5 A. In Mexico. Nuevo Leon, Mexico.</p> <p>6 Q. Okay. And you worked for Delia's from 2012 7 until May 2, 2023; is that right?</p> <p>8 A. That is correct.</p> <p>9 Q. And your title was supervisor?</p> <p>10 A. That is correct.</p> <p>11 Q. Were you a supervisor the whole time?</p> <p>12 A. No. When I came in I was a manager for about 13 two months, and then I became a supervisor.</p> <p>14 Q. Okay. And so can -- just so we understand the 15 hierarchy, it's supervisor, then under supervisor is a 16 manager, then under manager is team leaders?</p> <p>17 A. That is correct.</p> <p>18 Q. Who was your supervisor?</p> <p>19 A. At the beginning or lately?</p> <p>20 Q. At -- at the end of your employment.</p> <p>21 A. Guadalupe Franco.</p> <p>22 Q. Okay. And during your employment, you were 23 paid \$1,326 per week, that was your last rate?</p> <p>24 A. Yes. That is correct.</p> <p>25 Q. And for how long did you have that salary?</p> <p style="text-align: right;">Page 10</p>	<p>1 correct?</p> <p>2 A. Lately, yes.</p> <p>3 Q. Okay. And you also terminated people?</p> <p>4 A. Well, lately, I had to have the consent of 5 human resources.</p> <p>6 Q. Okay. So you could recommend someone for 7 termination, and then human resources approved?</p> <p>8 A. That is correct.</p> <p>9 Q. And while you were a supervisor for Delia's, 10 you did, in fact, hire some people, correct?</p> <p>11 A. That is correct.</p> <p>12 Q. And you did, in fact, make the -- make the 13 decision to terminate some people, correct?</p> <p>14 A. Correct.</p> <p>15 Q. And you also -- sorry.</p> <p>16 MR. QUEZADA: You got the correct?</p> <p>17 Q. (BY MR. QUEZADA) And you also made decisions 18 about disciplining people?</p> <p>19 A. When authorized by human resources as well.</p> <p>20 Q. You could recommend it to human resources and 21 then they approved it?</p> <p>22 A. That is correct.</p> <p>23 Q. Was there ever a hiring, termination, or 24 disciplinary decision, that you made, that human 25 resources rejected?</p> <p style="text-align: right;">Page 12</p>
<p>1 What years?</p> <p>2 A. I do not recall, exactly.</p> <p>3 Q. Okay. And you supervised three employees; is 4 that right?</p> <p>5 A. I supervised all employees.</p> <p>6 Q. About how many?</p> <p>7 A. Between 30 to 35. It would vary.</p> <p>8 Q. And at what -- what restaurants or what stores?</p> <p>9 A. At 495 and Jackson.</p> <p>10 Q. Was it just one store?</p> <p>11 A. That's correct.</p> <p>12 Q. Okay. And just so I'm clear, the 30 to 35 13 employees were your direct reports?</p> <p>14 A. It depends on the case.</p> <p>15 Q. Okay. So about how many employees directly 16 reported to you?</p> <p>17 A. The managers. There's two.</p> <p>18 Q. So two managers reported directly to you?</p> <p>19 A. That is correct.</p> <p>20 Q. And those were full-time managers?</p> <p>21 A. That is correct.</p> <p>22 Q. And then, under those full-time managers were 23 the remaining 30 to 33 employees, fair?</p> <p>24 A. Yes. That is correct.</p> <p>25 Q. While you were a supervisor, you hired people,</p> <p style="text-align: right;">Page 11</p>	<p>1 A. Never.</p> <p>2 Q. And with regard to the store for which you were 3 responsible, other than executive level employees, were 4 you the highest-ranking employee responsible for that 5 store?</p> <p>6 A. That is correct.</p> <p>7 Q. And you were responsible for the finances of 8 the store?</p> <p>9 A. That is correct.</p> <p>10 Q. And that means making sure cash was being 11 counted correctly and deposited?</p> <p>12 A. That is correct.</p> <p>13 Q. Reconciling the cash register sales for that 14 day?</p> <p>15 A. That is correct.</p> <p>16 Q. You were responsible for managing -- you had 17 ultimate responsibility for managing the inventories?</p> <p>18 A. That is correct.</p> <p>19 Q. Did you have ultimate responsibility to make 20 sure employees were following rules?</p> <p>21 A. That is correct.</p> <p>22 Q. And that includes rules about attendance?</p> <p>23 A. Correct.</p> <p>24 Q. Rules about punching in and punching out 25 accurately?</p> <p style="text-align: right;">Page 13</p>


<p>1 A. That is correct.</p> <p>2 Q. Rules about wearing the correct attire?</p> <p>3 A. That is correct.</p> <p>4 Q. Rules about managing the food properly?</p> <p>5 A. That is correct.</p> <p>6 Q. You'd also -- were the ultimate authority over,</p> <p>7 perhaps, customer complaints; is that right?</p> <p>8 A. That is correct.</p> <p>9 Q. Were you responsible for overseeing health</p> <p>10 inspections?</p> <p>11 A. That's correct.</p> <p>12 Q. And you were also responsible for receiving</p> <p>13 shipments from suppliers and vendors?</p> <p>14 A. Well, I was responsible for that, but the one's</p> <p>15 who actually inspected it were the managers.</p> <p>16 Q. Got it. Would you -- would you order supplies</p> <p>17 and goods to make food?</p> <p>18 A. Well, the managers did. And I was the one who</p> <p>19 checked the reports.</p> <p>20 Q. Okay. What kind of reports did you review and</p> <p>21 approve for the store?</p> <p>22 A. All kinds.</p> <p>23 Q. Can you give us some examples, please?</p> <p>24 A. Fax, calling attention to the employees'</p> <p>25 tardiness, customer complaints.</p> <p style="text-align: right;">Page 14</p>	<p>1 indicated to us that you had to seek approval from human</p> <p>2 resources, you still had the discretion and independent</p> <p>3 judgment to make those decisions?</p> <p>4 A. No. The rest I would have to consult or check</p> <p>5 with my supervisor above me.</p> <p>6 Q. Okay. And was that just for approval?</p> <p>7 A. That's correct.</p> <p>8 Q. And let's talk about that process. Would you</p> <p>9 take the decision to your supervisor, tell the</p> <p>10 supervisor what it was you wanted to do, and the</p> <p>11 supervisor said okay?</p> <p>12 A. No. She had to consult with somebody else.</p> <p>13 Q. Okay. Were there any decisions that you felt</p> <p>14 you could not make with your own judgment or discretion?</p> <p>15 A. Too many.</p> <p>16 Q. Okay. Well, when you would recommend a</p> <p>17 decision to your supervisor, would that decision</p> <p>18 normally be followed?</p> <p>19 A. All the time.</p> <p>20 Q. Okay. And that was for the entire time that</p> <p>21 you were a supervisor, correct?</p> <p>22 A. That is correct.</p> <p>23 Q. And you became supervisor some -- a couple</p> <p>24 months after you were hired by the company in 2012?</p> <p>25 A. That is correct.</p> <p style="text-align: right;">Page 16</p>
<p>1 Q. Okay. Would you check -- well, would you</p> <p>2 manage the finances of a store? In other words, making</p> <p>3 sure that the store was operating in a way that</p> <p>4 generated revenue and profit for the company?</p> <p>5 A. That is correct.</p> <p>6 Q. Did you have to sign off on any sort of</p> <p>7 financial reports?</p> <p>8 A. All of them.</p> <p>9 Q. For that store?</p> <p>10 A. That's right.</p> <p>11 Q. And once you signed it and approved it, that</p> <p>12 report went to corporate office?</p> <p>13 A. That is correct.</p> <p>14 Q. And you were the ultimate approver of those</p> <p>15 financial documents before they went to the corporate</p> <p>16 office, correct?</p> <p>17 A. That is correct.</p> <p>18 Q. And with all the decisions that we've discussed</p> <p>19 that you made in your position as a supervisor, you had</p> <p>20 the independent discretion and judgment to make those</p> <p>21 decisions, correct?</p> <p>22 A. Well, it depends. In some of them, as I said</p> <p>23 before, and I repeat again, I had to check with human</p> <p>24 resources.</p> <p>25 Q. Okay. So except for the ones that you</p> <p style="text-align: right;">Page 15</p>	<p>1 Q. Did you have vacation at the company?</p> <p>2 A. Yes.</p> <p>3 Q. How much?</p> <p>4 A. Twice a year. Two weeks.</p> <p>5 Q. So two weeks paid vacation per year?</p> <p>6 A. Yes.</p> <p>7 Q. And you took that paid vacation?</p> <p>8 A. Yes.</p> <p>9 Q. You had health insurance at the company?</p> <p>10 A. Yes.</p> <p>11 Q. And the company paid your premium for you?</p> <p>12 A. Yes.</p> <p>13 Q. You had vision benefits at the company?</p> <p>14 A. Yes.</p> <p>15 Q. And the company paid that premium for you?</p> <p>16 A. Yes.</p> <p>17 Q. You had dental insurance at the company?</p> <p>18 A. It was optional.</p> <p>19 Q. Did you choose to have that?</p> <p>20 A. No.</p> <p>21 Q. Did you have a 401(k) at the company?</p> <p>22 A. No.</p> <p>23 Q. Okay. Can you tell us why you are suing</p> <p>24 Delia's?</p> <p>25 A. Discrimination and wrongful termination.</p> <p style="text-align: right;">Page 17</p>

<p>1 Q. And any other reason?</p> <p>2 A. No.</p> <p>3 Q. And when you're talking about discrimination</p> <p>4 and wrongful termination, for both things, you're</p> <p>5 talking about the termination decision?</p> <p>6 A. That is correct.</p> <p>7 Q. And that's the termination decision that you</p> <p>8 were informed off on May 2, 20 --</p> <p>9 A. That is correct.</p> <p>10 Q. And that was 2023. I don't know if I got that.</p> <p>11 A. Yes. 2023.</p> <p>12 Q. Okay. Got it. Do you understand that the</p> <p>13 reason your employment was terminated was because the</p> <p>14 government informed Delia's that it could no longer</p> <p>15 continue employing you?</p> <p>16 MR. GONZALEZ: Objection; form.</p> <p>17 A. No.</p> <p>18 Q. (BY MR. QUEZADA) What do you believe is the</p> <p>19 basis for the discrimination or the wrongful</p> <p>20 termination?</p> <p>21 A. What the basis? What do you mean?</p> <p>22 Q. Do you believe that there's -- are you saying</p> <p>23 that you believe it is simply unfair? Or is there a</p> <p>24 basis that you believe caused the discrimination or</p> <p>25 wrongful termination?</p> <p style="text-align: right;">Page 18</p>	<p>1 Q. Did you-all have a armed vehicle service that</p> <p>2 came and picked up the cash from the store?</p> <p>3 A. No.</p> <p>4 Q. Did you deposit on behalf of the store?</p> <p>5 A. Yes.</p> <p>6 Q. And would you ever go get cash from the bank</p> <p>7 for the store?</p> <p>8 A. No.</p> <p>9 Q. You just deposited it?</p> <p>10 A. That is correct.</p> <p>11 Q. Who told you about the lawsuit -- this lawsuit?</p> <p>12 A. No. I asked -- well, there was a comment and I</p> <p>13 asked for information. So I resorted to the lawyer and</p> <p>14 asked for information.</p> <p>15 Q. Okay. From whom did you hear the comment?</p> <p>16 A. I asked a co-worker.</p> <p>17 Q. And what co-worker was that?</p> <p>18 A. Carlos Lopez.</p> <p>19 Q. Who's in the room with us right now?</p> <p>20 A. Yes. That is correct.</p> <p>21 Q. And what did Mr. Lopez tell you?</p> <p>22 A. That he was going to find out about the phone</p> <p>23 of the attorney.</p> <p>24 Q. When you were a supervisor -- well, let me ask</p> <p>25 you this. In this case, there's an allegation that</p> <p style="text-align: right;">Page 20</p>
<p>1 A. I believe is -- I think it's discrimination</p> <p>2 because other people who were in my same conditions</p> <p>3 remained.</p> <p>4 Q. And when you say "in your same condition", the</p> <p>5 condition that you're talking about -- you're talking</p> <p>6 about lacking authorization to work in the United</p> <p>7 States?</p> <p>8 A. That is correct.</p> <p>9 Q. Do you know whether any of those people you are</p> <p>10 thinking of were also identified to Delia's, by the</p> <p>11 government, as being unable to continue employment?</p> <p>12 A. No. Because they never wanted to show us</p> <p>13 the -- the alleged list that the government allegedly</p> <p>14 sent them.</p> <p>15 Q. And -- oh. You had keys to the restaurants,</p> <p>16 correct?</p> <p>17 A. No. Not now.</p> <p>18 Q. I'm sorry. When -- when you were employed by</p> <p>19 Delia's?</p> <p>20 A. Yes.</p> <p>21 Q. And did you have codes to the alarm systems?</p> <p>22 A. Yes.</p> <p>23 Q. Did you have -- I don't even know if there is</p> <p>24 one, but did you have codes to any safe in the store?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 19</p>	<p>1 Delia's kept two sets of books. Are you aware of that</p> <p>2 allegation?</p> <p>3 A. What books are you referring to?</p> <p>4 Q. I honestly don't know.</p> <p>5 A. Honestly, I don't either.</p> <p>6 Q. Okay. And certainly as a supervisor, you were</p> <p>7 not keeping two sets of books, correct?</p> <p>8 A. No. Well, it depends. Because I had -- there</p> <p>9 were lots of different kinds of books. But in this</p> <p>10 case, you're referring to two sets of books. I don't</p> <p>11 know what you're referring to.</p> <p>12 Q. What kind of books did you keep?</p> <p>13 A. Well, there were different books that I had</p> <p>14 separately. Reports, for instance, absenteeism, manager</p> <p>15 reports, dates of purchases, or expiration dates of</p> <p>16 certain items. Different kinds of books like that.</p> <p>17 Q. And when you gave the general category of</p> <p>18 reports, is there a more specific report that you can</p> <p>19 identify for us?</p> <p>20 A. No.</p> <p>21 Q. Buy you're not aware of two sets of financial</p> <p>22 books, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And you're not aware of any two sets of books</p> <p>25 regarding pay, correct?</p> <p style="text-align: right;">Page 21</p>

<p>1 A. No. Never.</p> <p>2 Q. And that was for at least the last three years</p> <p>3 of your employment, right?</p> <p>4 A. That is correct.</p> <p>5 Q. Did you ever miss a paycheck?</p> <p>6 A. No. Never.</p> <p>7 Q. And you were paid the -- I think what you're</p> <p>8 telling us is that you were paid the same salary,</p> <p>9 regardless of the number of days or number of hours</p> <p>10 worked, correct?</p> <p>11 A. That is correct.</p> <p>12 Q. And that was true for at least the last three</p> <p>13 years of your employment, correct?</p> <p>14 A. Yes. That is correct.</p> <p>15 Q. I'm going to show you what I'm marking as</p> <p>16 Exhibit 1, okay? And I want you to review the document</p> <p>17 and let me know when you're ready to discuss it. But my</p> <p>18 main question is going to be whether that's your</p> <p>19 signature on the second page that we see.</p> <p>20 (Exhibit No. 1 marked.)</p> <p>21 A. I'm ready.</p> <p>22 Q. (BY MR. QUEZADA) Okay. Is that your signature</p> <p>23 we see on the second page?</p> <p>24 A. 100 percent.</p> <p>25 Q. Okay. The handwriting that we see on Items 1</p> <p style="text-align: right;">Page 30</p>	<p>1 Q. As a supervisor, did you create the work</p> <p>2 schedules?</p> <p>3 A. That is correct.</p> <p>4 Q. And nobody told you how to do that, you did it</p> <p>5 with your own discretion?</p> <p>6 A. Well, I based myself on the permissions that</p> <p>7 the employee's requested.</p> <p>8 Q. And you knew that part of your duty as a</p> <p>9 supervisor was if an employee came to you and said their</p> <p>10 pay was incorrect, that you needed to get it -- get that</p> <p>11 corrected?</p> <p>12 A. No. That was not part of my job. I told them</p> <p>13 to talk to human resources and that they took care of</p> <p>14 that.</p> <p>15 Q. Got it. Okay. Would you do performance</p> <p>16 evaluations of employees?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Would you do employee training?</p> <p>19 A. Yes. That too.</p> <p>20 Q. Did you do any budgeting for the store?</p> <p>21 A. How so?</p> <p>22 Q. Like at the end of the year or at the end of</p> <p>23 the quarter or month, even, estimate that we're gonna</p> <p>24 need X dollars of masa or whatever supplies?</p> <p>25 A. No. Absolutely all of the merchandise was sent</p> <p style="text-align: right;">Page 32</p>
<p>1 through 9, is that your handwriting or someone else's?</p> <p>2 A. Somebody else's.</p> <p>3 Q. Whose handwriting is that?</p> <p>4 A. The person who translated this thing for me.</p> <p>5 Q. And who was that?</p> <p>6 A. Mr. Valde.</p> <p>7 Q. Mr. Balde?</p> <p>8 A. Valde.</p> <p>9 Q. How do you spell that?</p> <p>10 A. V-A-L-D-E, Valde.</p> <p>11 Q. Okay. And where is that person, Mr. Valde?</p> <p>12 A. He's the other attorney of ours. Or maybe he</p> <p>13 works for this guy, Richard.</p> <p>14 Q. Okay. Mr. Alamia?</p> <p>15 A. Yes.</p> <p>16 Q. Did you review Exhibit 1 before you signed it?</p> <p>17 A. Yes.</p> <p>18 Q. Are you able to read English?</p> <p>19 A. No.</p> <p>20 Q. Underneath your name, on the second page --</p> <p>21 well, excuse me, underneath your signature, actually,</p> <p>22 there's a date. Did you write that date?</p> <p>23 A. No.</p> <p>24 Q. Okay. Who wrote that?</p> <p>25 A. Mr. Valde.</p> <p style="text-align: right;">Page 31</p>	<p>1 to us from production. We didn't spend any money on</p> <p>2 that at all.</p> <p>3 Q. Do you feel that you did a good job of making</p> <p>4 sure employees followed workplace rules?</p> <p>5 A. 100 percent.</p> <p>6 Q. After separating from Delia's -- after your</p> <p>7 employment ended with Delia's, for how long were you</p> <p>8 unemployed?</p> <p>9 A. In order to get a stable job, like the one I</p> <p>10 have right now, five months.</p> <p>11 Q. Okay. Did you have any income of any kind in</p> <p>12 that five-month period?</p> <p>13 A. Yes. I tried for other jobs, but the pay was</p> <p>14 very low.</p> <p>15 Q. Okay. About how much pay did you receive in</p> <p>16 that five-month period?</p> <p>17 A. Well, it would vary. And, you know, I had two</p> <p>18 or three jobs, and the pay was insufficient. And I</p> <p>19 didn't -- I mean, I didn't quite make ends meet, so I</p> <p>20 had to use my savings and I ended up with nothing.</p> <p>21 Q. How much did you have in savings that you used?</p> <p>22 A. Approximately \$15,000.</p> <p>23 Q. And did you have that in cash or was that in a</p> <p>24 bank?</p> <p>25 A. At the bank.</p> <p style="text-align: right;">Page 33</p>

<p>1 go ahead and call the judge now, actually. And I'll 2 also go ahead with Mr. Morales in the room, Ms. Perez -- 3 Olga Perez, Carlos Lopez, Luis Zuniga, and Miguel 4 Caballero in the room, admonish and remind of the 5 obligations to preserve communications and information. 6 And remind everyone that you can't alter, delete, or 7 destroy those. Okay. And with that, we'll -- 8 THE REPORTER: Off the record? 9 MR. QUEZADA: Sure. 10 THE REPORTER: Off the record at 3:30 p.m. 11 (Break taken from 3:30 p.m. to 4:46 p.m.) 12 THE REPORTER: Back on the record. The 13 time is 4:46 p.m. 14 Q. (BY MR. QUEZADA) Okay, Mr. Morales, we're back 15 on the record. And just a reminder that you are under 16 oath. Okay? 17 A. Okay. 18 Q. When we went off the record, it was because we 19 were trying to resolve the issue with regard to some 20 WhatsApp messages, correct? 21 A. Right. Correct. 22 Q. And since then, the judge overseeing this case 23 has entered an order that those WhatsApp messages should 24 be produced, save any privileged communications. Do you 25 understand that?</p> <p style="text-align: right;">Page 46</p>	<p>1 bonuses, correct? 2 A. Yes. They would give us bonuses. 3 Q. How frequently would you get bonuses? 4 A. Every year in January. 5 Q. And how much was that bonus? 6 A. Well, it would vary. The last one, I don't 7 remember if it was 12,000 or 13,000. 8 Q. Okay. So including your bonus, what was your 9 total annual compensation with your salary and your 10 bonus together? 11 A. If I'm not mistaken it was around 63. 12 Q. 63 or 73? 13 A. 63. I believe so. I don't remember. 14 Q. Oh. We were on the declarations. That's 15 right. 16 So on a weekly basis, what is your best 17 estimate of the normal hours worked per week -- what 18 were your regular hours worked per week? 19 A. Between 60 and 65 hours. 20 Q. Oh, what is your cell phone number and who is 21 the carrier? 22 A. 956-313-8224 and it's Cricket. 23 Q. Okay. And for how long have you had that 24 phone? 25 A. When they took away the company one -- of</p> <p style="text-align: right;">Page 48</p>
<p>1 A. No. 2 MR. GONZALEZ: It doesn't matter. 3 Q. (BY MR. QUEZADA) Okay. And specifically the 4 order that the judge entered states telephone conference 5 held regarding dispute during deposition of Plaintiff 6 Armando Morales. The Court ordered that Plaintiff shall 7 produce all non-privileged messages in the group chat. 8 A. What is privileged mean? 9 Q. Privileged -- 10 A. Private? 11 Q. No, sir. Privileged as a communication between 12 you and an attorney. 13 A. So we'll have to show my wife's and my children 14 and everybody else's? 15 Q. No, sir. It's just the chat about this 16 lawsuit. I forget what the chat was titled. I think 17 it's Asuntos Delia or something like that. 18 A. Okay. 19 Q. Okay. All right. And I've looked at some of 20 them and we're still trying to export them. Okay? But 21 you understand that it's important that you not delete 22 the chat or any specific messages within that chat, 23 correct? 24 A. Okay. 25 Q. Part of your pay at Delia's consisted of</p> <p style="text-align: right;">Page 47</p>	<p>1 course, it was in May. So it's one -- one year and two 2 months. 3 Q. Okay. And you had it -- so you had a Delia -- 4 a cell phone from Delia's, correct? 5 A. Yes. 6 Q. Was there any other company benefit that you 7 had, in terms of pay or cell phone, or anything else 8 that you received as a benefit? 9 A. No. It was just a cell phone. 10 Q. Okay. You've understood my questions today, 11 sir? 12 A. That is right. 13 Q. And you've given me accurate responses? 14 A. That is right. 15 Q. Do you have any confusion or doubt about what 16 the Court ordered regarding that WhatsApp chat with the 17 other plaintiffs in the lawsuit? 18 A. No. Not at all. 19 Q. Okay. 20 MR. QUEZADA: At this point, I'll reserve 21 the balance of my question -- questions, once we have 22 the WhatsApp messages produced, to the extent I even 23 need to ask any. The messages speak for themselves, but 24 I'll go ahead and -- and pass the witness. 25 MR. GONZALEZ: We'll reserve ours until the</p> <p style="text-align: right;">Page 49</p>

<p>1 time of trial.</p> <p>2 MR. QUEZADA: And I'll just note for the</p> <p>3 record that the four individuals identified earlier are</p> <p>4 still in the room.</p> <p>5 THE REPORTER: Off the record at 4:55 p.m.</p> <p>6 (Deposition concluded at 4:55 p.m.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 50</p>	<p>1 I, ARMANDO MORALES DE LLANO, have read the</p> <p>2 foregoing deposition and hereby affix my signature that</p> <p>3 same is true and correct, except as noted above.</p> <p>4</p> <p>5</p> <p style="text-align: center;">ARMANDO MORALES DE LLANO</p> <p>6</p> <p>7</p> <p>8 THE STATE OF TEXAS)</p> <p>9 COUNTY OF _____)</p> <p>10 Before me, _____, on</p> <p>11 this day personally appeared ARMANDO MORALES DE LLANO,</p> <p>12 known to me (or proved to me under oath or through</p> <p>13 _____)(description of identity card or</p> <p>14 other document) to be the person whose name is</p> <p>15 subscribed to the foregoing instrument and acknowledged</p> <p>16 to me that they executed the same for the purposes and</p> <p>17 consideration therein expressed.</p> <p>18</p> <p style="text-align: center;">Given under my hand and seal of</p> <p>19 office this _____ day of _____, 2024.</p> <p>20</p> <p>21</p> <p style="text-align: center;">Notary Public in and for the State of Texas</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Job No. HOU6734283</p> <p style="text-align: right;">Page 52</p>
<p>1 CHANGES AND SIGNATURE</p> <p>2 WITNESS NAME: ARMANDO MORALES DE LLANO</p> <p>3 DATE OF DEPOSITION: 06/26/2024</p> <p>4 PAGE LINE CHANGE REASON</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 Job No. HOU6734283</p> <p style="text-align: right;">Page 51</p>	<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 MCALLEN DIVISION</p> <p>4 JUANA CRUZ, OFELIA)</p> <p>5 BENAVIDES, JOSE ELIAS)</p> <p>6 N.G. GABRIELA VELAZQUEZ,)</p> <p>7 HELESIO CRUZ, ANGELICA)</p> <p>8 CHAVEZ, CONCEPCION PEREZ,)</p> <p>9 OLGA PEREZ, MAVRIGO)</p> <p>10 SAENZ, JORGE MAOLEON,)</p> <p>11 HECTOR SANCHEZ, HECTOR)</p> <p>12 GONZALEZ, YESSY PEREZ)</p> <p>13 MARTINEZ, MARIA DE)</p> <p>14 LOURDES CRUZ, RESENDO)</p> <p>15 LIEVANOS, ELIZABETH LARA,)</p> <p>16 LUIS ALBERTO ZUNIGIA)</p> <p>17 CASTILLO, MIGUEL)</p> <p>18 CABALLERO SANCHEZ, CARLOS) CASE NO: 7:23-CV-00343</p> <p>19 DANIEL LOPEZ, GILDA)</p> <p>20 RIVAS, ARMANDO MORALES DE) JURY DEMANDED</p> <p>21 LLANO, LAZARO GARCIA,)</p> <p>22 MARIA DE JESUS MEDINA,)</p> <p>23 RICHARD ESQUIVEL, RAFAEL)</p> <p>24 SANCHEZ, GUILLERMO RUIZ,)</p> <p>25 ROSA QUINTANILLA,)</p> <p style="text-align: center;">PLAINTIFFS,)</p> <p style="text-align: center;">VS.)</p> <p style="text-align: center;">) DELGAR FOODS, LLC A/K/A)</p> <p style="text-align: center;">) DELIA'S TAMALES,)</p> <p style="text-align: center;">) DEFENDANT.)</p> <p>*****</p> <p style="text-align: center;">REPORTER'S CERTIFICATION</p> <p style="text-align: center;">DEPOSITION OF ARMANDO MORALES DE LLANO</p> <p style="text-align: center;">June 26, 2024</p> <p>I, Priscilla Maldonado, Certified Shorthand</p> <p>Reporter in and for the State of Texas, hereby certify</p> <p>to the following:</p> <p>That the witness, ARMANDO MORALES DE</p> <p>LLANO, was duly sworn by the officer and that the</p> <p>transcript of the oral deposition is a true record of</p> <p>the testimony given by the witness;</p> <p style="text-align: right;">Page 53</p>

<p>1 I further certify that pursuant to FRCP Rule 30(f)(1) that the signature of the deponent:</p> <p>2</p> <p>3 ___X___ was requested by the deponent or a party before the completion of the deposition and that the signature is to be before any notary public and 4 returned within 30 days from date of receipt of the transcript. If returned, the attached Changes and 5 Signature Page contains any changes and the reasons therefor;</p> <p>6</p> <p>7 _____ was not requested by the deponent or a party before the completion of the deposition.</p> <p>8 I further certify that I am neither counsel for, related to, nor employed by any of the 9 parties or attorney in the action in which this proceeding was taken, and further that I am not 10 financially or otherwise interested in the outcome of the action.</p> <p>11</p> <p>12 Certified to by me this July 11, 2024.</p> <p>13</p> <p>14 </p> <p>15</p> <p>16 Patricia Marabona, CSR 12025 Expiration Date: 06-30-2025 Veritext Legal Solutions Firm Registration No. 571 300 Throckmorton Street, Suite 1600 Fort Worth, Texas 76102 817-336-3042</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 54</p>	
<p>1 RICARDO GONZALEZ</p> <p>2 RIC@OXFORDGONZALEZ.COM</p> <p>3 July 11, 2024</p> <p>4 RE: Cruz, Juana, Et Al v. Delgar Foods LLC, Et Al.</p> <p>5 6/26/2024, Armando Morales DeLlano (#6734283)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 errata-tx@veritext.com.</p> <p>16 Return completed errata within 30 days from</p> <p>17 receipt of testimony.</p> <p>18 If the witness fails to do so within the time</p> <p>19 allotted, the transcript may be used as if signed.</p> <p>20</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 55</p>	